

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CHAPWOOD CAPITAL INVESTMENT  
MANAGEMENT, LLC and ED BUTOWSKY,**

**Plaintiffs,**

v.

**CHARLES SCHWAB & CO., INC., WALTER  
W. BETTINGER, II, and KEVIN LEWIS,**

**Defendants.**

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**Civil No. 4:18-cv-548-ALM-KPJ**

**ORDER**

On October 30, 2018, the Court entered an Order staying this case pending binding arbitration, as agreed upon by the parties. *See* Dkt. 15. At that time, the Court ordered the parties to file a joint status report by February 27, 2019. *See id.* On May 30, 2019, the parties filed an Updated Joint Status Report (Dkt. 19), wherein the parties represented that no arbitration had commenced to date and that they intended to file an arbitration statement of claim with JAMS within ten days of the date of filing. *See* Dkt. 19. The parties were directed to file an updated status report by August 30, 2019. *See* Dkt. 20. In the Second Updated Joint Status Report (Dkt. 21), filed on August 29, 2019, the parties represented that Plaintiffs Chapwood Capital Investment Management, LLC, and Ed Butowsky (together, “Plaintiffs”) did not submit the Demand for Arbitration until August 27, 2019. *See* Dkt. 21 at 2. On August 30, 2019, the Court directed the parties to file an updated status report by November 27, 2019. *See* Dkt. 22. In the parties’ Third Updated Joint Status Report (Dkt. 23), the parties represented that the arbitration commenced on October 15, 2019. The parties further informed the Court that Defendants filed their Response to Plaintiffs’ Demand for Arbitration on November 5, 2019, and JAMS has appointed three members

to form the arbitration panel. *See* Dkt. 23 at 2. On December 2, 2019, the Court ordered the parties to provide to file an updated status report by March 27, 2020. *See* Dkt. 24.

In the parties' Fourth Updated Joint Status Report (Dkt. 25), filed on March 27, 2020, the parties indicated that JAMS sent two Request for Missing Items to Plaintiffs advising that it is missing the "Pre-retainer in the amount of \$7,000.00, made payable to JAMS." Dkt. 25 at 2. Plaintiffs' counsel has communicated with JAMS regarding personal information relating to Plaintiff Edward Butowsky. *See id.* No other progress has been made.

**IT IS THEREFORE ORDERED** that the parties shall provide an updated status report indicating the status of this matter by **June 29, 2020**, or within seven days after the completion of the agreed arbitration, whichever is sooner.

**So ORDERED and SIGNED this 30th day of March, 2020.**



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KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE